

MONTANA LEGISLATIVE HISTORY

Chapter 605 19 91

Bill H 607 S _____ Original bill & history ✓ c

H. Committee on Natural Resources S. Committee on Natural Resources

Hearing Date(s) 2/15 ✓ c

Hearing Date(s) 3/13 ✓ c

_____ c

3/25 ✓ c

_____ c

_____ c

_____ c

_____ c

Date Out _____ c

Did this bill originate in an interim committee? _____ Yes ✓ No

Committee _____

Report _____

	CREATING A NONVOTING LEGISLATIVE CONSULTING PANEL; PROVIDING A STATUTORY APPROPRIATION; PROVIDING AN APPROPRIATION FROM THE IN-STATE INVESTMENT FUND; PROVIDING AN APPROPRIATION FROM THE GENERAL FUND; AMENDING SECTION 17-7-502, MCA; AND PROVIDING EFFECTIVE DATES.	2062
603	(Senate Bill No. 558; Ream) AN ACT TO REVISE PROCEDURES OF ESTIMATING REVENUES BY THE REVENUE OVERSIGHT COMMITTEE; TO CLARIFY THAT THE REVENUE ESTIMATES OF THE LEGISLATURE ARE INTENDED TO BE USED BY ALL AGENCIES; AMENDING SECTION 5-18-107, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE. ...	2072
604	(House Bill No. 579; Driscoll) AN ACT TO GENERALLY REVISE THE MOTOR VEHICLE LAWS; INCREASING THE NUMBER OF REGISTRATION PERIODS FROM 10 TO 12; PROVIDING FOR MAIL RENEWAL CARDS FOR LIGHT VEHICLES, MOTOR HOMES, CAMPERS, TRAVEL TRAILERS, BOATS, SNOWMOBILES, MOTORCYCLES, QUADRICYCLES, AND OFF-HIGHWAY VEHICLES; REQUIRING PROCEDURES FOR AUTOMATED HANDLING OF MAIL RENEWAL CARDS; REQUIRING THAT ALL TAXES AND FEES BE PAID BEFORE A 60-DAY STICKER MAY BE ISSUED AND AUTHORIZING AN ADDITIONAL 60-DAY PERIOD; PROVIDING THAT ALL STATUTES AFFECTING MOTOR VEHICLES BE EFFECTIVE JANUARY 1 OF THE FOLLOWING YEAR; PROVIDING FOR THE DEVELOPMENT OF A STATEWIDE COMPUTER SYSTEM; INCREASING THE REGISTRATION FEES FOR MOTOR VEHICLES, BOATS, SNOWMOBILES, AND OFF-HIGHWAY VEHICLES TO IMPLEMENT THE STATEWIDE COMPUTER SYSTEM; ESTABLISHING A COUNTY MOTOR VEHICLE COMPUTER COMMITTEE; APPROPRIATING MONEY TO THE DEPARTMENT OF JUSTICE; AMENDING SECTIONS 1-2-201, 61-3-101, 61-3-201, 61-3-202, 61-3-314, 61-3-342, 61-3-503, AND 61-3-535, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY PROVISION.	2074
605	(House Bill No. 607; Raney) AN ACT AMENDING THE LAWS RELATING TO PERMIT REQUIREMENTS FOR SOLID WASTE INCINERATORS; EXTENDING THE PERMIT REQUIREMENTS TO HAZARDOUS WASTE INCINERATORS; AMENDING SECTION 75-2-215, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.	2088
606	(House Bill No. 693; Thomas) AN ACT TO PROMOTE HEALTH INSURANCE FOR UNINSURED MONTANANS; ALLOWING INSURERS AND HEALTH SERVICE CORPORATIONS TO ISSUE LIMITED BENEFIT DISABILITY INSURANCE POLICIES; PROVIDING REQUIREMENTS FOR LIMITED BENEFIT DISABILITY INSURANCE POLICIES; AUTHORIZING A TAX CREDIT FOR SMALL EMPLOYERS WHO MAKE DISABILITY INSURANCE AVAILABLE TO THEIR EMPLOYEES; AND PROVIDING EFFECTIVE DATES AND A RETROACTIVE APPLICABILITY DATE.	2090
607	(House Bill No. 706; Cohen) AN ACT ESTABLISHING A LICENSING PROCESS FOR MOTOR VEHICLE WRECKING FACILITIES AND MOTOR VEHICLE GRAVEYARDS; ALLOWING THE GOVERNING BODY OF A COUNTY TO CONDUCT A HEARING; AND ESTABLISHING CRITERIA FOR THE DECISION BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO LICENSE A FACILITY.	2093
608	(House Bill No. 731; Ream) AN ACT PROVIDING MANAGEMENT STANDARDS FOR THE CONDUCT OF FOREST PRACTICES IN STREAMSIDE MANAGEMENT ZONES; AUTHORIZING THE DEPARTMENT OF STATE LANDS TO ADOPT AND ENFORCE RULES IMPLEMENTING THE STREAMSIDE MANAGEMENT STANDARDS; ALLOWING ALTERNATIVE FOREST PRACTICES IN CERTAIN CIRCUMSTANCES; AUTHORIZING THE DEPARTMENT OF STATE LANDS TO ISSUE ADMINISTRATIVE ORDERS FOR SITE REHABILITATION; PROVIDING PENALTIES FOR NONCOMPLIANCE	

HOUSE FINAL STATUS

HB 608

3/21	HEARING		
3/21	COMMITTEE REPORT—BILL CONCURRED		
3/23	2ND READING CONCURRED	47	0
3/25	3RD READING CONCURRED	39	9
RETURNED TO HOUSE			
4/01	SIGNED BY SPEAKER		
4/01	SIGNED BY PRESIDENT		
4/01	TRANSMITTED TO GOVERNOR		
4/04	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 348		

EFFECTIVE DATE: 10/01/91

HB 607 INTRODUCED BY RANEY, ET AL.

AMEND PERMIT REQUIREMENTS FOR SOLID AND
HAZARDOUS WASTE INCINERATORSBY REQUEST OF DEPARTMENT OF HEALTH AND
ENVIRONMENTAL SCIENCES

2/05	INTRODUCED		
2/05	REFERRED TO NATURAL RESOURCES		
2/05	FIRST READING		
2/15	HEARING		
2/16	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/23	2ND READING PASSED	87	12
2/26	3RD READING PASSED	86	13
TRANSMITTED TO SENATE			
2/27	FIRST READING		
2/27	REFERRED TO NATURAL RESOURCES		
3/13	HEARING		
3/26	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/28	2ND READING CONCURRED	49	0
4/01	3RD READING CONCURRED	41	8
RETURNED TO HOUSE WITH AMENDMENTS			
4/09	2ND READING AMENDMENTS CONCURRED	97	1
4/10	3RD READING AMENDMENTS CONCURRED	98	0
4/18	SIGNED BY SPEAKER		
4/19	SIGNED BY PRESIDENT		
4/19	TRANSMITTED TO GOVERNOR		
4/24	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 605		

EFFECTIVE DATE: 4/24/91

HB 608 INTRODUCED BY WHALEN

AUTHORIZE PUBLIC SERVICE COMMISSION TO ORDER INCREASING
THE FINE FOR RAILROADS OR OTHER COMMON CARRIERS
VIOLATING ORDERS OF THE PUBLIC SERVICE COMMISSION

2/05	INTRODUCED		
2/05	REFERRED TO JUDICIARY		
2/05	FIRST READING		
2/05	FISCAL NOTE REQUESTED		
2/11	FISCAL NOTE RECEIVED		
2/12	HEARING		
2/12	FISCAL NOTE PRINTED		
2/16	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/21	PLACED ON CONSENT CALENDAR		
2/23	3RD READING PASSED	67	30
TRANSMITTED TO SENATE			
2/25	FIRST READING		
2/25	REFERRED TO JUDICIARY		
3/20	HEARING		
3/23	TABLED IN COMMITTEE		

1 HOUSE BILL NO. 607
2 INTRODUCED BY Raney, G. & Bradley
3 BY REQUEST OF THE DEPARTMENT OF
4 HEALTH AND ENVIRONMENTAL SCIENCES
5

6 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE LAWS
7 RELATING TO PERMIT REQUIREMENTS FOR SOLID WASTE
8 INCINERATORS; EXTENDING THE PERMIT REQUIREMENTS TO HAZARDOUS
9 WASTE INCINERATORS; AMENDING SECTION 75-2-215, MCA; AND
10 PROVIDING AN IMMEDIATE EFFECTIVE DATE."
11

12 STATEMENT OF INTENT

13 It is the intent of the legislature that the department
14 of health and environmental sciences not issue an air
15 quality permit for any new solid waste incinerator that is
16 designed to burn more than 200 pounds an hour of solid waste
17 and not authorize any existing or permitted solid waste
18 incinerator that is designed to burn more than 200 pounds an
19 hour of solid waste to change the amount, form, or content
20 of the solid waste it incinerates or to incinerate any solid
21 waste that would change the nature, character, or
22 composition of its emissions until the department and the
23 public have the necessary information to understand the
24 composition and concentrations of emissions. It is also the
25 intent of the legislature that the department apply the

1 concept of best available control technology to all air
2 pollutants, including hazardous air pollutants, when
3 considering a permit application or modification for a solid
4 waste incinerator. The legislature intends that these
5 additional permit requirements be extended to hazardous
6 waste incinerators as well.
7

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 75-2-215, MCA, is amended to read:

10 "75-2-215. Solid or hazardous waste incineration --
11 additional permit requirements. (1) A person may not
12 construct, modify, or operate a solid or hazardous waste
13 incinerator of any of the following categories until the
14 department has issued an air quality permit pursuant to this
15 chapter, including the conditions provided in this section:

16 (a) a new commercial solid or hazardous waste
17 incinerator that is designed to burn more than 200 pounds an
18 hour of solid or hazardous waste; or

19 (b) a an existing or permitted solid or hazardous waste
20 incinerator that is designed to burn more than 200 pounds an
21 hour of solid or hazardous waste and that incinerates or
22 would incinerate solid or hazardous waste in an amount,
23 form, kind, or content different from its designed or
24 permitted operation or that incinerates or would incinerate
25 any material solid or hazardous waste that changes the

1 nature, character, or composition of its emissions.

2 (2) The department may not issue a permit to a facility
3 described in subsection (1) until:

4 (a) the owner or operator has provided to the
5 department's satisfaction:

6 (i) a characterization of emissions and ambient
7 concentrations of air pollutants, including hazardous air
8 pollutants, from any existing incineration at the facility;
9 and

10 (ii) an estimate of emissions and ambient concentrations
11 of air pollutants, including hazardous air pollutants, from
12 the incineration of solid or hazardous waste as proposed in
13 the permit application or modification; and

14 (b) the public has had an opportunity to review and
15 comment on the permit application or modification; and

16 ~~{c}--the-department-has-reached-a-determination-that-the~~
17 ~~projected--emissions---and---ambient---concentrations---will~~
18 ~~constitute--a--negligible-risk-to-the-public-health,-safety,~~
19 ~~and-welfare-and-to-the-environment.~~

20 (3) The department shall require the application of air
21 pollution control equipment, engineering, or other operating
22 procedures as necessary to ~~satisfy---the---determination~~
23 ~~required---under---subsection---{2}{c},---The---equipment,~~
24 ~~engineering,-or--procedures--must~~ provide particulate--and
25 gaseous--emission reductions of air pollutants, including

1 hazardous air pollutants, equivalent to or more stringent
2 than those achieved through the best available control
3 technology,--in-addition-to-any-other-controls--necessary--to
4 satisfy-the-determination-required-under-subsection-{2}{c}.

5 (4) This section does not relieve an owner or operator
6 of a solid or hazardous waste incinerator that is not
7 included under subsection (1) from the obligation to obtain
8 any permit otherwise required under this chapter or rules
9 implementing this chapter."

10 NEW SECTION. Section 2. Effective date. [This act] is
11 effective on passage and approval.

-End-

CHAIRMAN--BOB RANEY

SECRETARY--LISA FAIRMAN

NORMAL SCHEDULE==> SITE: ROOM 317

DAYS: TU,TH

TIME: 3:00 P.M.

--BILL NO--	--REFER DATE--	--HEARING DATE--	--CONSIDERATION DATES--	-----	COMMITTEE ACTION-----	-----	REREFERRED TO COMM----	DATE OUT-
HB0537	2/01	2/13			DO PASS			2/14
HARPER, HAL					CREATE DROUGHT ADVISORY COMMITTEE			
HB0539	2/01	2/13			PASS AS AMENDED			2/21
DAILY, FRITZ					GENERALLY REVISE ST COMPREHENSIVE ENVIRONMENTAL CLEANUP & RESPONSIBILITY ACT			
HB0551	2/01	2/11			DO PASS			2/12
O'KEEFE, MARK					AMEND IN THE WASTEWATER TREATMENT REVOLVING FUND ACT			
HB0565	2/01				TABLED ON 03/12			
DAILY, FRITZ					USE PROCEEDS OF RIT TAX FOR RECLAMATION AFTER THE TRUST REACHES \$100 MILLION			
HB0586	2/04	2/15			DO PASS			2/16
SWYSGOOD, CHARLES					HYDROELECTRIC REVENUES TO WATER CONSERVATION PROJECTS			
HB0607	2/05	2/15			PASS AS AMENDED			2/16
RANEY, BOB					AMEND PERMIT REQUIREMENTS FOR SOLID AND HAZARDOUS WASTE INCINERATORS			
HB0630	2/06	2/15			DO PASS			2/21
MCCULLOCH, SCOTT					REPLENISH DISASTER AND EMERGENCY FUND TO LEVEL EQUAL TO ANY RECOVERED FUNDS			
HB0637	2/06	2/15			PASS AS AMENDED			2/22
BECKER, ARLENE					REQUIRE NOTIFICATION OF PESTICIDE USE IN CITIES AND TOWNS			
HB0639	2/06	2/15			DO PASS			2/16
HANSEN, STELLA					LATE FEE FOR LICENSE TO CLEAN SEPTIC TANKS, CESSPOOLS, AND PRIVIES			
HB0641	2/06	2/22			PASS AS AMENDED			2/23
KNOX, DICK					IMPROVE NOTICE TO AFFECTED LANDOWNERS UNDER HARD ROCK ACT			
HB0648	2/06						APPROPRIATIONS	
WANZENRIED, DAVID					REAUTHORIZE LOAN FOR EVERGREEN WASTEWATER PROJECT			

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
52nd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON NATURAL RESOURCES

Call to Order: By CHAIRPERSON BOB RANEY, on February 15, 1991,
at 3:00 pm.

ROLL CALL

Members Present:

Bob Raney, Chairman (D)
Mark O'Keefe, Vice-Chairman (D)
Beverly Barnhart (D)
Vivian Brooke (D)
Ben Cohen (D)
Ed Dolezal (D)
Orval Ellison (R)
Russell Fagg (R)
Mike Foster (R)
Bob Gilbert (R)
Bruce Measure (D)
Tom Nelson (R)
Bob Ream (D)
Jim Southworth (D)
Howard Toole (D)
Dave Wanzenried (D)

Members Excused: David Hoffman (R)
Dick Knox (R)

Staff Present: Gail Kuntz, Environmental Quality Council
Paul Sihler, Environmental Quality Council
Lisa Fairman, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Announcements/Discussion:

HEARING ON HB 586

Presentation and Opening Statement by Sponsor:

REP. CHUCK SWYSGOOD, HD 73 - Dillon, said HB 586 will provide a
source of revenue to rehabilitate state water conservation
projects, such as state-owned dams, and help pay the debt of the
Broadwater Power Project. EXHIBIT 1

Proponents' Testimony:

increase because of prior notification. Even if they did, the committee should consider whether that outweighs the public's right to know and to be safe. She urged passage of the bill, noting she would be willing to work on the technicalities.

HEARING ON HB 607

Presentation and Opening Statement by Sponsor:

REP. RANEY, HD 82 - Livingston, said the committee passed a bill that controls hazardous waste after it leaves the transportation system and enters a disposer's property. The state controls how it is stored and, provided that bill passes, will control it all the way through the incineration process. The state won't control emissions, which is what HB 607 is about. The bill extends permit requirements to hazardous waste incinerators and provides stricter controls.

Proponents' Testimony:

Charles Homer, DHES Air Quality Bureau Environmental Specialist, supported HB 607. EXHIBIT 30

Dave Anderson, Jefferson County Commissioner, said he supports HB 607 for the same reasons he supported HB 383.

Opponents' Testimony:

Ms. Kaufmann opposed HB 607. She said she approves of adding hazardous waste incinerators to regulations. She opposes the bill because subsection 3 on Page 3 was deleted. The Department is having difficulty dealing with the negligible risk factor. The Legislature should give the agency more direction, not eliminate a risk from the bill. There should be either a risk-base or emissions-base standard. MEIC would be happy to submit an amendment that would have zero emission standard as the base.

Questions From Committee Members:

REP. TOOLE asked if it were possible to insert "best available control technology standard" as a way to make the bill more workable. That language could substitute for the deleted language. Mr. Homer said the Department decides what the best available control technology is at the time. If a standard is put in now, the agency would be required to constantly update it. The agency requires what is best at this point. In a year or so, if a better control device were available, that device would be required.

REP. TOOLE asked if that can be mandated and if the agency would then have rule-making authority to make whatever changes might be needed to adapt to the new technologies. Mr. Homer said that would be possible, if the committee wanted to insert a specific emissions requirement in the bill. Leaving it as is would enable

the agency to keep up better with changes in technology.

REP. RANEY told REP. TOOLE that subsection 3 at the bottom of Page 3 and the top of Page 4 will answer his questions.

REP. ELLISON asked if the agency requires the best available control technology when issuing a permit. Mr. Homer said yes.

REP. TOOLE said he wasn't sure the wording in subsection 3 is the best it can be.

REP. FOSTER asked REP. RANEY if he had proposed amendments to the bill. REP. RANEY said yes. EXHIBIT 31

REP. FOSTER asked for an explanation of the wording "one in one million." Mr. Homer said the standard is commonly used in determining health impacts.

Closing by Sponsor:

REP. RANEY closed.

EXECUTIVE ACTION ON HB 607

Motion: REP. DOLEZAL MOVED HB 607 DO PASS.

Motion: REP. RANEY moved to amend HB 607 to add a new paragraph c. EXHIBIT 31

Discussion: REP. FOSTER expressed concerns about the wording "one in one million."

REP. GILBERT asked if the language is standard on an application for an incinerator and a stack system. REP. RANEY said he asked DHES to insert this paragraph because he didn't like the fact that Section C had been deleted. He asked for language because negligible risk is not used or definable. During clean-up in Livingston, negligible risk had to be eliminated from things that needed better definition.

REP. GILBERT asked how the Department could determine a proposed incinerator would not cause an increase in the cancer burden in more than "one in one million." Vic Andersen, DHES Superfund Section Supervisor, said "one in one million" is an industry standard for estimating excessive risk. He is not well-versed on air pathways to comment on the second sentence, "resulting from lifetime exposure to direct inhalation of pollutants." Usually, all pathways are evaluated, be it ingestion, inhalation or direct contact, and risks are calculated based on various scenarios.

REP. WANZENRIED asked if the reason for deleting language on Page 3 and proposing an amendment is because the Department has trouble understanding how to implement or enforce what is in the stricken language. REP. RANEY said yes.

REP. WANZENRIED suggested the committee reinstate the language and allow DHES to use rules to define the risk. REP. RANEY asked Jeff Chaffee, DHES Air Quality Bureau Chief, for his suggestion. Mr. Chaffee said the agency attempted with the amendment to get a handle on what negligible risk was. It has been a problem to define it as permits are issued. It would be acceptable to the agency to do this through rule making. Some direction in a statement of intent or directly from the committee would be helpful in setting rules, if the committee agrees with the "one in one million" risk level. Language could be worked out through rule making.

REP. ELLISON asked if technology is available to get risks down to the proposed level. Mr. Chaffee said yes, but it is expensive. Some of the language for the amendment was borrowed from a California rule. Other states have this sort of regulation.

REP. RANEY asked for direction from the committee. REP. ELLISON said he would rather restore the deleted language.

REP. RANEY withdrew his motion to adopt the DHES amendment.

Motion: REP. REAM moved to amend HB 607 to reinstate the language and transfer rule making authority to the Department to implement it.

Discussion: REP. RANEY asked if the language would be put in the statement of intent. REP. REAM said he would ask Mr. Sihler. He thinks a paragraph is needed on rule making authority.

REP. RANEY clarified the motion. He said the motion would first reinstate stricken language on Page 3, Section C, Lines 16 through 19; and second, would allow DHES, for the purpose of Section C, to define negligible risk through rule making.

Vote: Motion to amend HB 607 carried unanimously. Reps. Knox and Hoffman were absent from voting.

Motion/Vote REP. WANZENRIED MOVED HB 607 DO PASS AS AMENDED. Motion carried unanimously. Reps. Knox and Hoffman were absent from voting.

EXECUTIVE ACTION ON HB 380

Motion: REP. COHEN MOVED HB 380 DO PASS AS AMENDED.

Discussion: REP. RANEY distributed a "grey bill" reflecting amendments adopted from last meeting. EXHIBIT 32

Gail Kuntz, EQC, said there are small technical problems in the grey bill that aren't reflected in the amendment. REP. RANEY said this is not an official grey bill. It is for committee information on the effects of the amendments.

HOUSE OF REPRESENTATIVES
NATURAL RESOURCES COMMITTEE

ROLL CALL

DATE 2-15-91

NAME	PRESENT	ABSENT	EXCUSED
REP. MARK O'KEEFE, VICE-CHAIRMAN	✓		
REP. BOB GILBERT	✓		
REP. BEN COHEN	✓		
REP. ORVAL ELLISON	✓		
REP. BOB REAM	✓		
REP. TOM NELSON	✓		
REP. VIVIAN BROOKE	✓		
REP. BEVERLY BARNHART	✓		
REP. ED DOLEZAL	✓		
REP. RUSSELL FAGG	✓		
REP. MIKE FOSTER	✓		
REP. DAVID HOFFMAN			✓
REP. DICK KNOX			✓
REP. BRUCE MEASURE	✓		
REP. JIM SOUTHWORTH	✓		
REP. HOWARD TOOLE	✓		
REP. DAVE WANZENRIED	✓		
REP. BOB RANEY, CHAIRMAN	✓		

CS05NATRES.MAN

10:30
2-16-91
JLB

HOUSE STANDING COMMITTEE REPORT

February 16, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report that House Bill 607 (first reading copy -- white) do pass as amended.

Signed: Bob Raney
Bob Raney, Chairman

And, that such amendments read:

1. Page 2, line 6.

Following: "well."

Insert: "It is also the intent of the legislature that the department develop a risk assessment-based definition of the term "negligible risk" as used in 75-2-215(2)(c)."

2. Page 3, line 13.

Strike: "and"

3. Page 3, line 19.

Following: "environment"

Insert: "; and

(c) the department has reached a determination that the projected emissions and ambient concentrations will constitute a negligible risk to the public health, safety, and welfare and to the environment."

CLERICAL

LISA F.

House Bill No. 607

Date: 2-16-1991

Time: 2 pm

MER

(Legislative Council Staff)



S / H Standing Committee

(Chairman)

Natural Resources

Bob Roney

Roney



S / H Committee of the Whole

(Sponsor)

In accordance with the Rules of the Montana Legislature, the following clerical errors may be corrected:

Amendment # 3, in insert

" ... environment "

An objection to these corrections may be registered by the Secretary of the Senate, the Chief Clerk of the House, or the sponsor by filing the objection in writing within 24 hours after receipt of this notice.

DATE 2-15-91
HB 607

TESTIMONY ON
H.B. 607

BEFORE THE NATURAL RESOURCES
COMMITTEE OF THE MONTANA
HOUSE OF REPRESENTATIVES

:
:
:
:
:

BY CHARLES HOMER,
ENVIRONMENTAL SPECIALIST
AIR QUALITY BUREAU
MONTANA DEPARTMENT OF HEALTH
AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE LAWS RELATING TO PERMIT REQUIREMENTS FOR SOLID WASTE INCINERATORS; EXTENDING THE PERMIT REQUIREMENTS TO HAZARDOUS WASTE INCINERATORS, AMENDING SECTION 75-2-215, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

The Department of Health and Environmental Sciences has requested the submittal of this bill to respond to a growing trend of incineration of solid and hazardous waste.

The main purpose of this bill is to clarify the implementation of Section 75-2-215, MCA, the section that details the permitting requirements for solid waste incinerators.

In addition, this bill extends the additional permitting requirements currently applicable to solid waste incinerators to hazardous waste incinerators. Since solid and hazardous wastes are defined separately, the stricter permitting requirements are not currently required for hazardous waste incinerators. Due to the increased interest in hazardous waste incineration in Montana, and to the potential for toxic air emissions from hazardous waste incinerators, the department believes that stricter permitting requirements should also be applicable to hazardous waste incinerators.

The bill also makes several small changes to the existing law to bring it in line with air quality permitting authority found in the Montana Clean Air Act and to clearly define the intent of the legislature.

The first change clarifies that construction or modification of an incinerator cannot occur until an air quality permit has been obtained. The current law requires a permit for an incinerator be obtained prior to operation. All other state and federal air quality permitting rules require a permit prior to construction or modification of a source.

The term "commercial" is removed from the incinerator definition since it was undefined and therefore very difficult to implement. This requirement was replaced by a size cutoff of 200 pounds per hour of incineration capacity for new incinerators required to obtain a permit. This would still require an air quality permit for virtually all municipal waste incinerators, hazardous waste incinerators, and large medical waste incinerators while exempting most small grocery store incinerators and some small quantity medical waste incinerators. The department believes that these small incinerators have a minimal impact on air quality and should not be pulled into permitting requirements.

This bill also clarifies that additional permitting requirements apply to existing non-permitted (i.e., grandfathered) incinerators that change the type or amount of waste they currently incinerate. The current law applies only to existing permitted incinerators. This change would make incinerator permitting consistent with other state and federal permitting rules that apply to sources which change the type or amount of their emissions. The bill would also remove the portion requiring that a "negligible risk" to public health,

PROPOSED AMENDMENT

EXHIBIT 31
DATE 2-15-91
HB 607

Section 1. Subsection 2 should be amended as follows:

Add new paragraph (c)

(c) The owner and operator has submitted, as part of the permit application, a health risk assessment demonstrating to the department's satisfaction that any proposed incinerator would not cause an increase in cancer burden of more than one in one million. For the purposes of this chapter, cancer burden shall be defined as the estimated number of theoretical cancer cases in a defined population resulting from lifetime exposure through direct inhalation of pollutants emitted from a facility.

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Natural Resources

COMMITTEE

BILL NO. HB 607DATE 2-15-91SPONSOR(S) Raney

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
<u>Dave Anderson</u>	<u>Jefferson</u>	<u>607</u>		<u>X</u>
<u>Wayne Wetzel</u>	<u>DNRC</u>	<u>586</u>		<u>X</u>
<u>Terry Norrell</u>	<u>DNRC</u>	<u>566</u>		<u>X</u>
<u>Charles Homer</u>	<u>DHES</u>	<u>607</u>		<u>X</u>

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

CHAIRMAN--LAWRENCE STIMATZ
NORMAL SCHEDULE==> SITE: ROOM 405

DAYS: M,W,F

TIME: 3:00 P.M.

SECRETARY-ROBERTA OPEL

BILL NO	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
HB0539	2/27	3/11		CONCUR		3/27
DAILY, FRITZ			GENERALLY REVISE STATE CERCLA LAW			
HB0607	2/27	3/13		CONCUR AS AMENDED		3/26
RANEY, BOB			AMEND PERMIT REQUIREMENTS FOR SOLID AND HAZARDOUS WASTE INCINERATORS			
HB0637	2/26	3/27		ADVERSE RPT ADOPT		4/02
BECKER, ARLENE			REQUIRING NOTIFICATION OF PESTICIDE USE IN CITIES AND TOWNS			
HB0639	3/11	3/25		CONCUR		3/26
HANSEN, STELLA			LATE FEE FOR LICENSE TO CLEAN SEPTIC TANKS, CESSPOOLS, AND PRIVIES			
HB0641	2/27	3/22		CONCUR		3/23
KNOX, DICK			IMPROVE NOTICE TO AFFECTED LANDOWNERS UNDER HARD ROCK ACT			
HB0660	3/11	3/27		CONCUR AS AMENDED		4/02
COHEN, BEN			REVISION OF SOLID WASTE MANAGEMENT EXEMPTION			
HB0671	2/27	3/24		CONCUR AS AMENDED		4/03
GILBERT, BOB			SUBDIVISION AND PLATTING ACT AMENDMENTS			
HB0724	2/27	3/18		CONCUR		3/19
ELLIOTT, JIM			PROHIBITION ON TIMBER FROM STATE LANDS AS SUBSTITUTE FOR EXPORTED TIMBER			
HB0731	3/28	4/10		CONCUR AS AMENDED		4/11
REAM, BOB			MANAGEMENT STANDARDS FOR FOREST PRACTICES IN STREAMSIDE MANAGEMENT ZONES			
HB0745	2/26	3/20		CONCUR		3/21
SWYSGOOD, CHARLES			TEMPORARY BASIN CLOSURE			
HB0749	3/11	3/22		CONCUR		3/23
ELLISON, ORVAL			HARD ROCK IMPACT ACT REVISIONS			

MINUTES

MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Lawrence Stimatz, on March 13, 1991, at 3:00
p.m.

ROLL CALL

Members Present:

Lawrence Stimatz, Chairman (D)
Cecil Weeding, Vice Chairman (D)
John Jr. Anderson (R)
Esther Bengtson (D)
Don Bianchi (D)
Steve Doherty (D)
Lorents Grosfield (R)
Bob Hockett (D)
Thomas Keating (R)
John Jr. Kennedy (D)
Larry Tveit (R)

Members Excused: None

Staff Present: Paul Sihler (EQC).

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Announcements/Discussion:

HEARING ON HB 858

Presentation and Opening Statement by Sponsor:

Bob Gilbert, District 22, presented HB 858 to the committee. The bill establishes a statewide household hazardous waste education program, Gilbert said, and sets up a public education program to include information about alternatives to disposal of household hazardous waste, the largest contributor to municipal landfills. An alternative disposal site next to a landfill is a possibility for disposal of these wastes, Gilbert said. The bill advocates

The bill is a technical one, Raney said, and creates mechanisms for solving problems. The bill is not a Fallon County bill but rather, a bill for Montana, Raney added. "We have a responsibility to site in the right places," Raney told the committee.

HEARING ON HB 383

Presentation and Opening Statement by Sponsor:

Representative Bob Raney, District 82, told the committee that there were presently no rules in place for storing hazardous waste. HB 383 would set up rules for storage and the Department of Health and Environmental Sciences would provide rules for the regulation of this waste, Raney said.

Proponents' Testimony:

Jim Jensen, Director of the Montana Environmental Information Center, testified in support of HB 383. Cement kilns may be the best method of destruction of hazardous waste, Jensen said.

Opponents' Testimony:

There were no opponents' to HB 383.

Questions From Committee Members:

Senator Bianchi asked Don Vidrine, DHES, if solid waste could be burned and still meet Montana's air quality standards?

Vidrine explained that air quality standards would be more stringent regarding hazardous waste.

Charles Homer, Environmental Specialist, Air Quality Bureau, Montana Department of Health and Environmental Sciences, told the committee kiln at Trident was currently in compliance with air quality standards.

Closing by Sponsor:

Representative Raney offered no further comments on HB 383.

HEARING ON HB 607

Presentation and Opening Statement by Sponsor:

Representative Raney, District 22, stated that HB 607 was the next step following HB 383 and would address laws regarding the burning of hazardous waste. Raney noted that even the strictest of the burning laws still did not apply to hazardous waste. The bill was drafted at the request of DHES, Raney said.

Proponents' Testimony:

Brian McNitt, representing Montana Environmental Information Center, asked the committee if the 200 lb limit was acceptable or if it should be lowered?

Charles Homer, Environmental Specialist, Air Quality Bureau, DHES, provided testimony to the committee in response to McNitt's question. (EXHIBIT #1).

Opponents' Testimony:

There were no opponents' to HB 607.

Questions From Committee Members:

Senator Tveit asked for a definition of "negligible risk," language found within the bill.

Representative Raney stated that the House wanted that language used in the bill and added that DHES has developed a risk basis standard that could be applied.

Senator Bianchi asked about the 200 lbs/hr figure and how big 200 lbs would be.

Homer stated that the 200lbs/hr figure came from DHES experience with the incinerators. 200 lbs/hr is an amount that will capture most large medical waste incinerators but would not cover the small incinerators, Homer said.

Closing by Sponsor:

Representative Raney told the committee that the purpose of HB 607 is to protect the public and their health. Senator Rea will carry both HB 383 and 607, he said.

HEARING ON HB 891

Presentation and Opening Statement by Sponsor:

Representative Stickney, District 26, presented HB 891 which would require anyone operating a megalandfill to put up a bond for financial assurance sufficient to ensure the replacement or restoration of any natural resource damage or impairment as a result of the megalandfill.

Proponents' Testimony:

Kate Blehm, Yellowstone Valley Citizen Council, told the committee that megalandfills pose serious threats to the state's groundwater. 86% of landfills studied had water supplies beyond

TESTIMONY ON
H.B. 607

SENATE NATURAL RESOURCES
EXHIBIT NO. 1
DATE 3-13-91
BILL NO. HB 607

BEFORE THE NATURAL RESOURCES
COMMITTEE OF THE MONTANA
SENATE

: BY CHARLES HOMER,
: ENVIRONMENTAL SPECIALIST
: AIR QUALITY BUREAU
: MONTANA DEPARTMENT OF HEALTH
: AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE LAWS RELATING TO PERMIT REQUIREMENTS FOR SOLID WASTE INCINERATORS; EXTENDING THE PERMIT REQUIREMENTS TO HAZARDOUS WASTE INCINERATORS, AMENDING SECTION 75-2-215, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

The Department of Health and Environmental Sciences has requested the submittal of this bill to respond to a growing trend of incineration of solid and hazardous waste.

The main purpose of this bill is to clarify the implementation of Section 75-2-215, MCA, the section that details the permitting requirements for solid waste incinerators.

In addition, this bill extends the additional permitting requirements currently applicable to solid waste incinerators to hazardous waste incinerators. Since solid and hazardous wastes are defined separately, the stricter permitting requirements are not currently required for hazardous waste incinerators. Due to the increased interest in hazardous waste incineration in Montana, and to the potential for toxic air emissions from hazardous waste incinerators, the department believes that stricter permitting requirements should also be applicable to hazardous waste incinerators.

The bill also makes several small changes to the existing law to bring it in line with air quality permitting authority found in the Montana Clean Air Act and to clearly define the intent of the legislature.

The first change clarifies that construction or modification of an incinerator cannot occur until an air quality permit has been obtained. The current law requires a permit for an incinerator be obtained prior to operation. All other state and federal air quality permitting rules require a permit prior to construction or modification of a source.

The term "commercial" is removed from the incinerator definition since it was undefined and therefore very difficult to implement. This requirement was replaced by a size cutoff of 200 pounds per hour of incineration capacity for new incinerators required to obtain a permit. This would still require an air quality permit for virtually all municipal waste incinerators, hazardous waste incinerators, and large medical waste incinerators while exempting most small grocery store incinerators and some small quantity medical waste incinerators. The department believes that these small incinerators have a minimal impact on air quality and should not be pulled into permitting requirements.

This bill also clarifies that additional permitting requirements apply to existing non-permitted (i.e., grandfathered) incinerators that change the type or amount of waste they currently incinerate. The current law applies only to existing permitted incinerators. This change would make incinerator permitting consistent with other state and federal permitting rules that apply to sources which change the type or amount of their emissions.

The bill would also add a section to the statement of intent requiring that the Board of Health and Environmental Sciences define "negligible risk" to public health, safety, welfare, and the environment be demonstrated. Since "negligible risk" was not previously defined, it was virtually impossible for the department to complete the demonstration. This left the department open to challenge or potential litigation if any permit was issued, regardless of the potential health impact. We are also proposing to apply the Best Available Control Technology (BACT) standard to all pollutants to ensure that the proper level of emission controls is installed on an incinerator.

In conclusion, the department believes that these changes to the current law will clarify legislative direction regarding the permitting of solid and hazardous waste incinerators by the department.

The Department of Health and Environmental Sciences urges passage of this bill.

ROLL CALL
Natural Resources
COMMITTEE

DATE 3-13-91

52

LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
Senator Anderson	✓		
Senator Bengtson	✓		
Senator Bianchi	✓		
Senator Doherty	✓		
Senator Grosfield	✓		
Senator Hockett	✓		
Senator Keating	✓		
Senator Kennedy	✓		
Senator Tveit	✓		
Vice Chairman, Weeding	✓		
Chairman Stimatz	✓		

Each day attach to minutes.

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Lawrence Stimatz, on March 25, 1991, at

ROLL CALL

Members Present:

Lawrence Stimatz, Chairman (D)
Cecil Weeding, Vice Chairman (D)
John Jr. Anderson (R)
Esther Bengtson (D)
Don Bianchi (D)
Steve Doherty (D)
Lorents Grosfield (R)
Bob Hockett (D)
Thomas Keating (R)
John Jr. Kennedy (D)
Larry Tveit (R)

Members Excused: None.

Staff Present: Gail Kuntz (EQC).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: There were no announcements.

HEARING ON HJR 31

Presentation and Opening Statement by Sponsor:

Representative Raney, District 82, stated that the resolution assigns the Environmental Quality Council the task of studying Montana's energy resources and energy use in order to develop a proposed state energy policy. Energy conservation is the main goal of the resolution, Raney said. Raney said he did not sign the fiscal note because he was unable to understand why an additional full time employee was needed at the Department of Natural Resources or additional staff for the Environmental Quality Council.

Amendments, Discussion, and Votes:

None.

Recommendation and Vote:

Motion by Senator Kennedy that HB 639 BE CONCURRED IN passed unanimously.

EXECUTIVE ACTION ON HB 607

Motion:

Senator Grosfield asked if the Department of Health and Environmental Sciences had concerns about negligible risk assessment.

Senator Weeding replied that DHES had stated that they would develop a health risk assessment.

Senator Grosfield moved that the language in the bill be changed to read: "based on a reasonable and practical health risk assessment."

Senator Weeding reminded the committee that the phrase "reasonable and practical health risk assessment" was included in the bill in parenthesis in existing language.

Senator Weeding told Stan Grace, NW Power Planning Council, that although he was concerned about reclamation and water quality, he was primarily concerned with the bigger picture such as the ozone layer and that ultimately, there would have to be some money appropriated toward those concerns.

Grays replied that NW Power Company had not been asked to speak for or against the resolution, but felt the Power Company would support the resolution and also noted he could "guarantee" that the company were interested in global energy concerns.

Senator Doherty asked Grays what other states had done regarding fuel conservation.

Grays stated that Idaho had not entirely implemented their conservation standards and that Washington had a program currently in place.

Senator Doherty moved that HB 607 BE CONCURRED IN.

Discussion:

Gail Kuntz, Environmental Quality Council, explained to the committee that the House Natural Resources committee requested a Statement of Intent within HB 607 to develop the term negligible risk. Kuntz stated that Senator Grosfield's amendments were

therefore no longer necessary in the resolution.

Senator Grosfield stated that he did not find the present language within the resolution was not "reasonable and practical" and would like to insert on line 7, before the word "risk" insert the words "reasonable and practical Health risk assessment."

Amendments, Discussion, and Votes:

Motion to adopt Senator Grosfield's amendment carried unanimously.

Recommendation and Vote:

Motion by Senator Doherty that HB 607 BE CONCURRED IN carried unanimously.

HEARING ON HJR 8

Presentation and Opening Statement by Sponsor:

Representative Kadas, District 55, told the committee that HJR 8 addressed the Northwest Power Act to look at energy conservation. In the late 1970's, nuclear power plants were built unnecessarily and now, no one can afford to use them. The Northwest Power Act Planning Commission continues to try and recognize the most cost effective resources. Kadas stated that the resolution emphasizes that conservation should be the first choice when it is most cost-effective.

Proponents' Testimony:

Jim Barngrover, Alternative Energy Resources Organization, (AERO) testified in support of HJR 8. Barngrover cited some of the energy policy mistakes that had been made previously including "disruption of aquifers and production of radio-active materials with half-lives of 25,000 years that no one knows how to contain or control." Barngrover noted that he has decreased his heating bills by half due to awareness of energy conservation.

John Alke, Montana Dakota Utilities, appeared in support of HJR 8 as it was when it passed the House of Representatives.

Gene Phillips, Pacific Power & Light, stated they supported the resolution as amended by the House.

Dan Elliot, Public Service Commission, stated support for HJR 8 as amended.

Neva Hassanein, Northern Plains Resource Council, told the committee that NPRC supports HJR 8 because it addresses conservation measures as an important alternative for the region.

Chris Kaufman, Montana Environmental Information Center, offered

EXHIBIT NO. 1

DATE

3-25-91

FILE NO.

HB 607

Page 1 of 1

March 26, 1991

SENATE STANDING COMMITTEE REPORT

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 607 (third reading copy -- blue), respectfully report that House Bill No. 607 be amended and as so amended be concurred in:

1. Page 2, line 7.

Following: "A"

Insert: "reasonable and practical health"

Signed:


Lawrence G. Stimatz, Chairmanfor 3-26-91
And. Coord.SB 3-26 9:15
Sec. of Senate

SENATE

HB 607